

NORTH ANDOVER OLD CENTER HISTORIC DISTRICT BYLAW

Section 1. Title: This Bylaw shall be known and may be cited as the North Andover Old Center Historic District Bylaw and is adopted pursuant to Chapter 40C of the General Laws of the Commonwealth of Massachusetts, as amended.

Section 2. Purpose: The purpose of this Bylaw is to promote the educational, cultural, economic, and general welfare of the public through the preservation and protection of distinctive historical and architectural characteristics of buildings and places in the Old Center area of the Town of North Andover through the maintenance and improvement of such buildings and places and the encouragement of appropriate and compatible design in this area.

Section 3. Historic District: There is hereby established under the provisions of Chapter 40C of the General Laws an historic district to be known as the Old Center Historic District, which District shall be bounded as shown on the Map, entitled "North Andover Old Center Historic District, 1987", attached and made part of this Bylaw.

Section 4. Historic District Commission: There is hereby established under Chapter 40C of the General Laws an Historic District Commission consisting of seven members and two alternate members, all residents of the Town of North Andover, appointed by the Board of Selectmen, including one member, where possible, from two nominees submitted by the North Andover Historical Commission, one member, where possible, from two nominees submitted by the North Andover Historical Society, one member, where possible, from two nominees submitted by the Greater Lawrence Board of Realtors, one member, where possible, from two nominees, submitted by the Massachusetts State Chapter of the American Institute of Architects, and one member who is both a resident of and owner of property in the Old Center Historic District. The Board of Selectmen shall submit written requests for nominations to the organizations named herein. If no nomination has been made within thirty days after submitting a request, the Selectmen may proceed without waiting for the requested nomination. When the Commission is first established, three members shall be appointed for three-year terms, two members and one alternate member shall be appointed for two-year terms, and two members and one alternate member shall be appointed for one year terms. Successors shall each be appointed for a term of three years. Vacancies shall be filled within 60 days by the Board of Selectmen by appointment for the unexpired term. In the case of absence, inability to act, or unwillingness to act because of

self-interest by a member, the chairman may designate an alternate member of the Commission to act for a specified time. If any member is absent from three consecutive Commission meetings, the chairman may appoint an alternate member as a replacement to serve for the remainder of that member's term, whereupon the Board of Selectmen shall appoint a new alternate member. Each member and alternate member shall continue in office until his or her successor is duly appointed. All members and alternate members shall serve without compensation. The Commission shall elect annually a chairman and a vice chairman from its own number and a secretary from within or without its number. Meetings of the Commission shall be held only if attended by a quorum of at least five members, including alternate members designated to act as members. If the chairman is absent from a meeting of the Commission, the vice chairman shall act as chairman. Decisions of the Commission at a meeting require a majority vote of the members, including designated alternates, who are present at the meeting.

Section 5. Powers and Duties of the Commission:

A. The Commission shall have all the powers and duties of Historic District Commissions as provided by the Historic District Act, General Laws, Chapter 40C, and by subsequent amendments thereto, unless specifically limited by this Bylaw. The Commission may adopt rules and regulations not inconsistent with the provisions of the Historic District Act. The Commission may, subject to appropriation, employ clerical and technical assistants or consultants and incur other expenses appropriate to the carrying on of its work.

B. The Commission shall have control over new construction, reconstruction, alterations, relocation, and demolition of all exterior architectural features of buildings and structures within the Old Center Historic District which are clearly visible from any public street, public way, or public land within the District, except as limited by this Bylaw. The terms used in this Bylaw shall have meanings set forth in Section 5 of Chapter 40C of the General Laws. For purposes of this Bylaw, any structure partially within the Historic District shall be considered wholly within the District.

C. In passing upon matters before it, the Commission shall consider, among other things, the historical and architectural value and significance of the site, building, or structure, the general design arrangement of the features involved, and the relation of such features to similar features of buildings and structures in the surrounding area.

Section 6. Limitations and Exemptions:

A. The Commission shall not act to prevent or unnecessarily delay new construction, reconstruction, or alterations except for the purpose of preventing developments incongruous to historical considerations and

architectural features of value, viewed in relation to the surrounding area.

B. The following are exempt from review or control by the Commission (except as specifically noted):

1. Ordinary maintenance, repair, or replacement of any external architectural features if this does not involve a change in design or materials.
2. Actions required by a duly authorized public officer necessary for public safety in the event of an unsafe or dangerous condition.
3. Landscaping with plants, trees, or shrubs.
4. Terraces, walks, sidewalks, driveways, and other similar structures provided that the structure is at grade level. (Parking lots require Commission review)
5. Storm doors and windows, screen doors and windows, window air conditioners, residential light fixtures, and conventional antennae no larger than six feet in any dimension. (Dish antennae and solar collectors require Commission review)
6. Paint color and roofing materials.
7. Temporary signs or structures to be in use for not more than 90 days.
8. Signs used for residential occupation or professional purposes, of not more than one square foot in area, provided that a) no more than one sign is displayed on or near any one building or structure, and b) the sign consists of lettering painted on wood without a symbol or trademark. (Signs for commercial and institutional purposes require Commission review.)
9. Reconstruction substantially similar in exterior design of a building, structure, or exterior architectural feature damaged or destroyed by fire, storm, or other calamity, provided such reconstruction is begun within one year thereafter and is carried forward with due diligence.
10. All interior architectural features, and those exterior architectural features which are not clearly visible from any public street, public way, or public land within the Old Center Historic District.

Section 7. Procedures:

A. Except as this Bylaw provides in Section 6, no building or structure within the Historic District shall be constructed or altered in any way that affects exterior architectural features unless the

Commission shall first have issued a certificate of appropriateness, a certificate of non-applicability, or a certificate of hardship with respect to such construction or alteration. Nor shall any building permit for demolition be issued for any building or structure within the Historic District until the certificate required by this section has been issued by the Commission.

B. Applications for certificates shall be made in triplicate, one copy being filed with the Historic District Commission, one with the Building Inspector, and one with the Town Clerk. Applications shall be in the form specified by the Commission, to include plans and elevations, drawn to scale, detailed enough to show architectural design of the structure and its relation to the existing building, and other materials deemed necessary by the Commission. Plot and site plans should be filed when an application is made for improvements involving applicable landscape features such as walls, and fences. In the case of demolition or removal, the application must include a statement of the proposed condition and appearance of the property thereafter.

C. Within 14 days of the filing of an application for any certificate, the Commission shall determine whether the application involves any features which are subject to approval by the Commission.

D. If the application requires the Commission's review, or at the request of the applicant, the Commission shall hold a public hearing, unless waived according to the provisions of Chapter 40C of the General Laws as amended. Public notice of the time, place and purposes of the hearing shall be given at least 14 days in advance and the Commission must notify by mail affected parties as provided in Chapter 40C of the General Laws as amended.

E. The Commission shall decide upon the determination of any application within 60 days of its filing or within such further time as the applicant may allow in writing.

F. A Certificate of Appropriateness shall be issued to the applicant if the Commission determines that the proposed construction or alteration will be appropriate for or compatible with the preservation or protection of the Historic District. In the case of a disapproval of an application for a Certificate of Appropriateness, the Commission shall place upon its records the reasons for such determination and shall forthwith cause a notice of its determinations, accompanied by a copy of the reasons therefore as set forth in the records of the Commission, to be issued to the applicant, and the Commission may make recommendations to the applicant with respect to appropriateness of design. Prior to the issuance of any disapproval the Commission may notify the applicant of its proposed action, accompanied by recommendations of changes in the applicant's proposal which, if made, would make the application acceptable to the Commission. If within 14 days of the receipt of such notice, the applicant files a written modification of his application in conformity with the recommended changes of the Commission, the Commission shall issue a Certificate of Appropriateness to the applicant.

G. Upon request, the Commission may issue a Certificate of Non-Applicability to any applicant whose request does not require Commission approval.

H. If an application is deemed inappropriate or if application is made for a Certificate of Hardship, the Commission may issue a Certificate of Hardship if conditions especially affecting the building or structure involved, but not affecting the Historic District generally, would make failure to approve an application involve a substantial hardship, financial or otherwise, to the applicant, and approval would not involve substantial detriment to the public welfare. A Certificate of Hardship shall also be issued in the event that the Commission does not make a determination of an application within the time specified in Section 7E of this Bylaw.

I. Each certificate shall be dated and signed, and the Commission shall keep a permanent record of its determinations and of the vote of each member participating therein, and shall file a copy or notice of certificates and determinations of disapproval with the Town Clerk and the Building Inspector.

J. An applicant may, within twenty days of the decision by the Commission, appeal to a superior court sitting in equity. The Commission must pay costs only if it appears to the court that the Commission has acted with gross negligence, bad faith or malice.

K. Violation of any of the provisions of this Bylaw shall incur a fine of not less than ten dollars nor more than one hundred dollars, as determined by the Commission, each day constituting a separate offense.

Section 8. The Town of North Andover shall be subject to the provisions of this Bylaw notwithstanding any Town Bylaw to the contrary.

Section 9. This Bylaw may be amended from time to time by a two-thirds vote of the Town Meeting, subject to the procedures as set forth in Chapter 40C, Section 3 of the General Laws.

Section 10. In case any section, paragraph or part of this Bylaw be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

Section 11. Effective Date: Following Town Meeting approval, this Bylaw takes effect immediately when the following conditions have been met: a) approval by the Attorney General of the Commonwealth; b) filing of a map of the boundaries of the Historic District with the North Andover Town Clerk, the North Andover Building Inspector, and the Registry of Deeds for Essex County.